

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

WALID NAJDAWI  
A 97528970/2749

CIVIL ACTION NO. 08-177  
SECTION P

VS.

JUDGE MINALDI

DIRECTOR, IMMIGRATION & CUSTOMS  
ENFORCEMENT, ET AL

MAGISTRATE JUDGE KAY

**REPORT AND RECOMMENDATION**

Before the Court is a petition for a writ of *habeas corpus* filed by *pro se* petitioner Walid Najdawi filed pursuant to 28 U.S.C. § 2241. [Doc. 1]. This matter has been referred to the undersigned magistrate judge for review, report and recommendation in accordance with 28 U.S.C. § 636(b)(1)(B).

In his petition, Najdawi states that he is a citizen of Jordan and a national of Egypt who has been detained under a final order of removal issued on July 16, 2007. In his supporting materials, Petitioner indicates that he has cooperated with Immigrations and Customs Enforcement but they have been unable to effectuate his removal. [Doc. 1]. Petitioner challenges his post-removal-order custody as indefinite and claims that his removal is not likely to occur in the reasonably foreseeable future.

In light of facts presented by Petitioner, the Court ordered the government to respond. In its response, the government moves to dismiss the petition for lack of jurisdiction because Petitioner is no longer in federal custody. [Doc. 9]. In support of this contention, the government presents documentation that establishes that Petitioner was released from post-removal order detention on March 6, 2008 pursuant to an order of supervision. [Doc.9, attachment #2]. Included is a declaration by BICE Assistant Field Office Director Scott Sutterfield, that a review of the BICE database indicates that Petitioner was released on March 6, 2008. *Id.*

At the time that his petition was filed, Petitioner was in post-removal order custody pursuant to the statutory authority of United States Immigration and Customs Enforcement. However, as Petitioner was released from custody on March 6, 2008, the Court finds that there is no longer a case or controversy and, therefore, his challenge to his detention is now moot and should be dismissed.

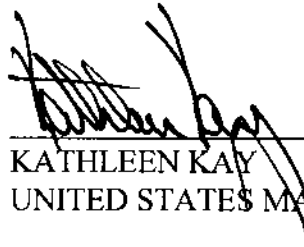
Accordingly,

IT IS RECOMMENDED that the government's Motion to Dismiss for Lack of Jurisdiction be GRANTED, and that Petitioner's petition for writ of *habeas corpus* be DENIED and DISMISSED WITH PREJUDICE.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 3<sup>rd</sup> day of June, 2008.

  
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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE